

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

**SYBIL ELIJAH, INDIVIDUALLY
AND AS REPRESENTATIVE OF THE
ESTATE OF DAVID ELIJAH, ET AL.,**

Plaintiffs,

vs.

**PILGRIM’S PRIDE CORPORATION
F/K/A PILGRIM’S INDUSTRIES, INC.,
ET AL.,**

Defendants.

Case No. 5:21-cv-00047-RWS

**DEFENDANTS PILGRIM’S PRIDE CORPORATION’S AND JBS USA HOLDINGS,
INC.’S NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF
THEIR PENDING MOTIONS TO DISMISS**

Defendants Pilgrim’s Pride Corporation (“Pilgrim’s”) and JBS USA Holdings, Inc. (“JUHI”) file this Notice of Supplemental Authority in Support of Their Pending Motions to Dismiss (“Notice”), and state as follows:

One of the issues to be decided in Pilgrim’s and JUHI’s respective motions to dismiss (ECF 9 & 10) is whether Plaintiffs’ wrongful death and survival actions should be dismissed for failure to plead allegations satisfying the Pandemic Liability Protection Act (“PLPA”), particularly Texas Civil Practice & Remedies Code § 148.003.

Pilgrim’s and JUHI file this Notice to alert the Court that another federal district court recently granted a defendant’s motion to dismiss filed in response to numerous claimants’ Texas state law claims arising from their purported exposure to COVID-19 while working in a meat processing facility. The district court dismissed the Texas state law claims with prejudice because the claimants failed to allege facts stating a plausible claim under the PLPA. A true and correct

copy of the Order in *Garcia v. Swift Beef Co.*, 2:20-CV-263-Z-BR, 2021 WL 5997185 (N.D. Tex. Dec. 17, 2021) is attached hereto as Exhibit A.

Dated: December 23, 2021.

Respectfully submitted,

/s/ Clayton E. Bailey

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**ATTORNEYS FOR DEFENDANTS
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically on December 23, 2021. As such, this document was served on all counsel of record who are deemed to have consented to electronic service.

/s/ Clayton E. Bailey